IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3365 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RASHIKBHAI R CHARAN

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3365 of 1989

MR GM JOSHI for Petitioner No. 1

MR SP SEN AGP for Respondent No. 1

RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 11/01/2002

ORAL JUDGEMENT

Heard learned counsel for the parties, Shri Gautam Joshi for the petitioner and Shri Sen, learned AGP

for respondent-State.

By way of this petition the petitioner has made four different prayers, which are as under :-

"(A) That the Hon'ble Court be pleased to issue a writ of certiorari or any other appropriate writ, order or direction quashing or setting aside the order dated 7th December 1988 at Annexure AG and be pleased to issue a writ of mandamus directing the respondents to permit the petitioner to cross the efficiency bar as on 1.9.1983 and to release his yearly increments as he has been permitted to cross the efficiency bar.

(B) That the Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to consider the petitioner for promotion to the post of Inspecting Officer with effect from the date persons junior to him were promoted i.e. with effect from 20th April 1983 and to give him the deemed date of promotion and all other consequential benefits flowing from such deemed date of promotion.

(C) That the Hon'ble court be pleased to issue a writ of certiorari or any other appropriate writ, order or direction quashing and setting aside the adverse remarks in the confidential dossier of the petitioner place vide orders at Annexures U, AA, AE and be further pleased to quash and set aside the order passed by the second respondent rejecting his representations against such adverse remarks at Annexures Z, AB, AC.

(D) That the Hon'ble Court be pleased to issue a writ of certiorari or any other appropriate writ order or direction quashing and setting aside the order of imposition of minor penalty dated 27.8.82 at Annexure M and be pleased to further direct the respondents not to take such order of penalty into consideration for considering the case of the petitioner

for promotion and for permitting the petitioner to cross the efficiency bar."

I am of the considered opinion that all the aforesaid prayers cannot be made in one petition. The petitioner was required to file separate petitions. This petition is also required to be dismissed on the ground of gross delay and latches because grievance cannot be made in 1999 for the cause of 1992.

On merits also, the petitioner has no case. Detailed reply affidavit is filed and from the same it is clear that even after filing of the petition the petitioner has never improved and his performance has rather deteriorated. Such person with dubious character is not entitled for any relief much less discretionary relief from this court under Article 226 of the Constitution of India. It is to be stated that before coming to this court the petitioner had already challenged the penalty imposed on him. It was a minor penalty. But, when he realised that he may not succeed, then he withdrew that appeal. Be that as it may. Having carefully gone through the reply affidavit, I am fully convinced that even on merits, the petitioner has no case. Accordingly, this petition fails and is dismissed. Rule discharged. No order as to costs.

(B.J.Shethna, J.)
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